

# OFFICE OF FINANCIAL AND INSURANCE REGULATION JOB VACANCY NOTICE

**CLASS/LEVEL:** Administrative Law Specialist 16 (2 positions)  
**DIVISION/SECTION:** Office of General Counsel  
**DEADLINE TO RESPOND:** 12-8-08

~~~~~  
 INTERESTED APPLICANTS SHOULD SUBMIT A RESUME, COVER LETTER, DLEG APPLICATION, LEGAL WRITING SAMPLE AND COPY OF COLLEGE TRANSCRIPTS (INTERNET BASED TRANSCRIPTS ARE NOT ACCEPTED) TO DLEG, OFFICE OF FINANCIAL AND INSURANCE REGULATION, HUMAN RESOURCES/BUDGET DIVISION/OFIR 08-61, P.O. BOX 30220, LANSING, MICHIGAN 48909 OR FAX TO (517) 335-1450 BY THE DEADLINE DATE.

|                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                 |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| COUNTY/LOCATION         | Ingham/Lansing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                 |
| PAY RANGE               | \$35.36-\$49.26/hour                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                 |
| DESCRIPTION OF POSITION | On behalf of the Commissioner, this position independently manages the most complex compliance cases alleging violations of state and federal laws, from completion of investigation to final resolution by settlement or formal administrative hearing. Cases involve such issues as whether entities have committed unfair trade practices, engaged in improper financial conduct or other conduct prohibited by various statutes. In managing these cases the incumbent represents bureau staff in legal proceedings before the commissioner. This position also provides research and advice on the most complex issues being decided by the commissioner. |                                                                                                                                 |
| EDUCATION               | Possession of a juris doctorate degree.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                 |
| EXPERIENCE              | Three years of professional experience in legal work, including one year equivalent to an Administrative Law Specialist P15 or an Administrative Law Examiner P15; or, three years of experience as an attorney.                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                 |
| SPECIAL REQUIREMENTS    | Membership in the State Bar of Michigan.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                 |
| RESPOND TO              | Posting No.:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | OFIR 08-61                                                                                                                      |
|                         | Address:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | DLEG, Office of Financial & Insurance Regulation, Human Resources/Budget Division/OFIR08-61, P. O. Box 30220, Lansing, MI 48909 |
|                         | E-Mail Address:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                 |
|                         | Fax:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | (517) 335-1450                                                                                                                  |

The State of Michigan is an Equal Opportunity Employer  
 Civil Service Rule 1-7 states: All persons offered employment in the classified service are required to submit to

and pass a pre-employment drug test as a condition of employment

**This is an announcement of a position vacancy and does not constitute an offer of employment.**

**1. Position Code**  
ADMSPLA

**State of Michigan**  
**Department of Civil Service**  
Capitol Commons Center, P.O. Box 30002  
Lansing, MI 48909

Federal privacy laws and/or state  
confidentiality requirements protect  
a portion of this information.

**POSITION DESCRIPTION**

This form is to be completed by the person that occupies the position being described and reviewed by the supervisor and appointing authority to ensure its accuracy. It is important that each of the parties sign and date the form. If the position is vacant, the supervisor and appointing authority should complete the form.

This form will serve as the official classification document of record for this position. Please take the time to complete this form as accurately as you can since the information in this form is used to determine the proper classification of the position. **THE SUPERVISOR AND/OR APPOINTING AUTHORITY SHOULD COMPLETE THIS PAGE.**

|                                                                                                                      |                                                                                                                               |
|----------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| <b>2. Employee's Name (Last, First, M.I.)</b>                                                                        | <b>8. Department/Agency</b><br><br>LABOR & ECONOMIC GROWTH                                                                    |
| <b>3. Employee Identification Number</b>                                                                             | <b>9. Bureau (Institution, Board, or Commission)</b><br><br>OFFICE OF FINANCIAL AND INSURANCE REGULATION                      |
| <b>4. Civil Service Classification of Position</b><br><br>ADMINISTRATIVE LAW SPECIALIST 16                           | <b>10. Division</b><br><br>OFFICE OF GENERAL COUNSEL                                                                          |
| <b>5. Working Title of Position (What the agency titles the position)</b><br><br>ADMINISTRATIVE LAW SPECIALIST 16    | <b>11. Section</b>                                                                                                            |
| <b>6. Name and Classification of Direct Supervisor</b><br>VACANT, STATE ADMINISTRATIVE MANAGER 15                    | <b>12. Unit</b>                                                                                                               |
| <b>7. Name and Classification of Next Higher Level Supervisor</b><br>JOHN SCHOONMAKER, ADMINISTRATIVE LAW MANAGER 17 | <b>13. Work Location (City and Address)/Hours of Work</b><br>611 W. OTTAWA, LANSING<br>8:00 A.M. - 5:00 P.M., MONDAY - FRIDAY |

**14. General Summary of Function/Purpose of Position**  
  
On behalf of the Commissioner, this position independently manages the most complex compliance cases alleging violations of state and federal laws, from completion of investigation to final resolution by settlement or formal administrative hearing. Cases involve such issues as whether entities have committed unfair trade practices, engaged in improper financial conduct or other conduct prohibited by various statutes. In managing these cases the incumbent represents bureau staff in legal proceedings before the commissioner. This position also provides research and advice on the most complex issues being decided by the commissioner.

**For Civil Service Use Only**

**15. Please describe your assigned duties, percent of time spent performing each duty, and explain what is done to complete each duty.**

**List your duties in the order of importance, from most important to least important. The total percentage of all duties performed must equal 100 percent.**

Duty 1

**General Summary of Duty 1**

**% of Time 40**

Lead complex assignments and represent bureau staff in formal administrative hearings before the commissioner which may involve multiple industry lines or statutes.

**Individual tasks related to the duty.**

- Conduct prehearing discovery (take depositions, prepare interrogatories and requests for admissions and documents) in accordance with Michigan court rules.
- Represent bureau staff at hearings conducted according to rules of evidence, administrative procedures act and bureau regulations.
- Evaluate proposals for decision in formal administrative hearings and where appropriate file exceptions with the commissioner.

Duty 2

**General Summary of Duty 2**

**% of Time 15**

Organize and coordinate administrative cases for all types of complex bureau enforcement actions including concurrent criminal prosecutions and/or outside civil litigation and that may involve multiple complainants or respondents.

**Individual tasks related to the duty.**

- Evaluate investigators' case summaries and referrals for compliance action from and jointly with other bureau offices.
- Determine if there is sufficient basis to initiate compliance action.
- Analyze compliance cases to identify the legal and factual issues involved.
- Draft allegations in the forms of Notice of Opportunity to Show Compliance (NOSC), Notice of Hearing for approval of deputy commissioner.
- Communicate and negotiate with attorneys representing entities alleged to have violated the statutes.

### Duty 3

#### **General Summary of Duty 3**

**% of Time** 15

Organize and conduct compliance conferences and organize post compliance work involving more complex issues.

#### **Individual tasks related to the duty.**

- Chair informal compliance conferences to discuss allegations with entities.
- Following conferences, determine whether entity has demonstrated compliance with applicable insurance statutes. This requires research and analysis of the foregoing statutes, case law, Attorney General opinions and other legal materials.
- Where an entity has failed to demonstrate compliance, negotiate resolution of the case, if warranted.
- Draft stipulations and consent orders for approval by commissioner, chief deputy commissioner and deputy commissioner.
- Revise NOSC, when needed, in cases not resolved by consent order.
- Refer cases for further investigation, when appropriate.
- Draft formal Notice of Hearing to be issued by commissioner.
- In cases where entity fails to respond to Notice of Hearing, prepare and present motion for default and final decision by default.

### Duty 4

#### **General Summary of Duty 4**

**% of Time** 25

Provide research and advice to commissioner on major issues being decided by the commissioner.

#### **Individual tasks related to the duty.**

- Interpretation of the statutes enforced by the commissioner
- Evaluation and adaptatation of bills and statutes under review.
- Serving as principal advisor on task forces
- Drafting, processing, and promulgating administrative rule
- Evaluating multi-state settlemnts

Duty 5

**General Summary of Duty 5**

**% of Time** 5

Perform special assignments from commissioner and chief deputy commissioner.

**Individual tasks related to the duty.**

- Represent bureau staff at hearings in which bureau staff is not directly involved as a party or prosecutor.
- Prepare reports requiring legal research and evaluation of the applicability of laws to various situations.
- Conduct legal research and present findings to chief deputy commissioner and commissioner.
- Other duties falling within the classification of administrative law specialist 13/14/P15 as assigned.

Duty 6

**General Summary of Duty 6**

**% of Time** \_\_\_\_\_

**Individual tasks related to the duty.**

-

16. Describe the types of decisions you make independently in your position and tell who and/or what is affected by those decisions. Use additional sheets, if necessary.

Determine whether compliance action should be initiated; settlement of a compliance case should be offered to an entity and what the terms of such a settlement should be. Determine whether a notice of hearing should be issued and an appeal of a proposal for decision should be filed.

17. Describe the types of decisions that require your supervisor's review.

Dismissal of a compliance case; referral of case to Office of Attorney General or settlement of cases of unusual importance.

18. What kind of physical effort do you use in your position? What environmental conditions are you physically exposed to in your position? Indicate the amount of time and intensity of each activity and condition. Refer to instructions on page 2.

Position duties and tasks are performed in a traditional office environment which includes considerable sitting, occasional standing, limited lifting, considerable microcomputer usage and normal office routines.

19. List the names and classification titles of classified employees whom you immediately supervise or oversee on a full-time, on-going basis. (If more than 10, list only classification titles and the number of employees in each classification.)

| <u>NAME</u> | <u>CLASS TITLE</u> | <u>NAME</u> | <u>CLASS TITLE</u> |
|-------------|--------------------|-------------|--------------------|
| None.       |                    |             |                    |

20. My responsibility for the above-listed employees includes the following (check as many as apply):

- |                                                             |                                                            |
|-------------------------------------------------------------|------------------------------------------------------------|
| <input type="checkbox"/> Complete and sign service ratings. | <input type="checkbox"/> Assign work.                      |
| <input type="checkbox"/> Provide formal written counseling. | <input type="checkbox"/> Approve work.                     |
| <input type="checkbox"/> Approve leave requests.            | <input type="checkbox"/> Review work.                      |
| <input type="checkbox"/> Approve time and attendance.       | <input type="checkbox"/> Provide guidance on work methods. |
| <input type="checkbox"/> Orally reprimand.                  | <input type="checkbox"/> Train employees in the work.      |

21. I certify that the above answers are my own and are accurate and complete.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**NOTE: Make a copy of this form for your records.**

**TO BE COMPLETED BY DIRECT SUPERVISOR**

- 22. Do you agree with the responses from the employee for Items 1 through 20? If not, which items do you disagree with and why?**

I agree.

- 23. What are the essential duties of this position?**

A principal duty of this position is to provide the bureau with the expertise needed to carry out the enforcement function. This position requires significant knowledge of administrative law and procedure, legal drafting and the ability to act independently in representing bureau staff in certain cases in administrative hearings. The duties must be conducted according to Michigan court rules, administrative procedures act and bureau regulations. In carrying out these duties, the incumbent utilizes independent judgment. Professional knowledge and experience in administrative law and bureau regulations are the primary guidelines in selecting the course of action appropriate for each case. The cases managed by the incumbent include cases which have significant importance for the bureau. Another principle duty of the position is to provide research and advice on the most complex issues being decided by the commissioner.

- 24. Indicate specifically how the position's duties and responsibilities have changed since the position was last reviewed.**

- 25. What is the function of the work area and how does this position fit into that function?**

The Office of General Counsel performs research and analysis of regulatory related issues and provides technical legal assistance, research and analysis involving any bureau-related legal issue and the Freedom of Information Act. This position performs actions required in the compliance process, such as performing legal research, drafting notices, settlements, briefs and exceptions, prepare the presentation of a case before an administrative law examiner and negotiating settlements.



**26. In your opinion, what are the minimum education and experience qualifications needed to perform the essential functions of this position.**

**EDUCATION:**

Possession of a juris doctorate degree.

**EXPERIENCE:**

Three years of professional experience in legal work, including one year equivalent to an Administrative Law Specialist P15 or an Administrative Law Examiner P15; or, three years of experience as an attorney.

**KNOWLEDGE, SKILLS, AND ABILITIES:**

- Knowledge of Michigan Insurance Code, other applicable statutes, rules and regulations, policies and procedures.
- Ability to interpret regulations and statutes in making decisions.
- Ability to communicate clearly and effectively with others, both verbally and in writing.
- Ability to exercise considerable tact and diplomacy when dealing with complex, sensitive and confidential regulatory matters.
- Knowledge of legal drafting, court rules, rules of evidence.

**CERTIFICATES, LICENSES, REGISTRATIONS:**

Membership in the State Bar of Michigan.

*NOTE: Civil Service approval of this position does not constitute agreement with or acceptance of the desirable qualifications for this position.*

**27. I certify that the information presented in this position description provides a complete and accurate depiction of the duties and responsibilities assigned to this position.**

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Date

**TO BE FILLED OUT BY APPOINTING AUTHORITY**

**28. Indicate any exceptions or additions to the statements of the employee(s) or supervisor.**

**29. I certify that the entries on these pages are accurate and complete.**

\_\_\_\_\_  
Appointing Authority's Signature

\_\_\_\_\_  
Date